

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Patent Attorneys
4140 Parklake Avenue, Suite 600, Raleigh, NC 27612
or
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
Facsimile 919-854-1401

RECEIVED
CENTRAL FAX CENTER
APR 25 2006

FACSIMILE TRANSMISSION
COVER SHEET

Date: April 25, 2006 Attorney Docket No.: 5218-72
To: U.S. Patent and Trademark Office
Fax No.: 571-273-8300
From: Kenneth D. Sibley Return Fax to: Amelia
Pages: 12 (including cover sheet)

If there is a problem with this transmission, please call (919) 854-1400. Our fax number is (919) 854-1401.

In Re: Nyce Examiner: Janet Epps Ford
Application No: 09/543,679 Confirmation No.: 1635
Filed: April 4, 2000
For: *Low Adenosine Anti-Sense Oligonucleotide, Compositions Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) and Surfactant Depletion*

Attached:

Faxcover (1 page)
Submittal of Revocation of Power of Attorney and New Power of Attorney (1 page)
Revocation of Power of Attorney and New Power of Attorney (2 pages)
Assignment and Notice of Recordation of Assignment (8 pages)

Confidentiality Note

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. THANK YOU.

RECEIVED
CENTRAL FAX CENTER

APR 25 2006

Attorney Docket No.: 5218-72

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Nyce

Examiner: Janet Epps Ford

Application No: 09/543,679

Confirmation No.: 1635

Filed: April 4, 2000

For: *Low Adenosine Anti-Sense Oligonucleotide, Compositions Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) and Surfactant Depletion*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

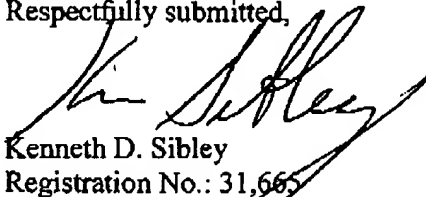
**SUBMITTAL OF REVOCATION OF POWER OF ATTORNEY
AND NEW POWER OF ATTORNEY BY ASSIGNEE**

Sir:

Enclosed herewith please find a Revocation of Power of Attorney and New Power of Attorney by Assignee for the above-identified patent application. Please revoke all powers of attorney previously granted with respect to this patent application and appoint the firm Myers Bigel Sibley & Sajovec, P.A. as its attorney, with full power of substitution and revocation to transact all business in the Patent and Trademark Office in connection therewith.

No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-0220.

Respectfully submitted,


Kenneth D. Sibley
Registration No.: 31,665

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

**CERTIFICATION OF FACSIMILE
TRANSMISSION UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-8300 on April 25, 2006.


Arnelia Tauchen

RECEIVED
CENTRAL FAX CENTER

APR 25 2006

Attorney Docket No. 5218-72

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jonathan Nyce
Application No.: 09/543,679
Filed: April 4, 2000

Examiner: Janet Epps Ford
Group Art Unit: 1635

For: *Low Adenosine Anti-Sense Oligonucleotide, Compositions Kit & Method for Treatment of Airway Disorders Associated with Bronchoconstriction, Lung Inflammation, Allergy(ies) and Surfactant Depletion*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REVOCATION OF POWER OF ATTORNEY
AND NEW POWER OF ATTORNEY BY ASSIGNEE**

Sir:

Assignee hereby revokes all powers of attorney previously granted with respect to the above-identified patent application, and appoints:

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

of the firm of Myers Bigel Sibley & Sajovec as its attorney, with full power of substitution and revocation to transact all business in the Patent and Trademark Office in connection therewith.

Please direct all communications as follows:

Kenneth D. Sibley
Registration No. 31,665
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627

In re: Jonathan Nyce
Serial No.: 09/543,679
Filed: April 4, 2000
Page 2

Assignee hereby elects under 37 C.F.R. § 3.71 to prosecute this patent application. The undersigned Assignee hereby certifies that it is the assignee of the entire right, title, and interest in the patent application identified above by virtue of a chain of title from the inventor of the patent application identified above to the current assignee as shown below:

From the inventor to East Carolina University, which Assignment was recorded in the Patent and Trademark Office on April 9, 2000 at Reel 01730, Frame 0503;

The documents in the chain of title of the patent application identified above have been reviewed and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. A copy of the Notice of Recordation issued by the USPTO is enclosed.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

EAST CAROLINA UNIVERSITY

Signature: _____

Print Name: Steve Ballard

Title: Chancellor

Date: April 13, 2006

COPY

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 26, 2000

PTAS

ARTER & HADDEN LLP
VIVIANA AMZEL, PH.D.
CITICORP PLAZA
725 SOUTH FIGUEROA STREET, SUITE 3400
LOS ANGELES, CA 90017-5434



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/09/2000

REEL/FRAME: 010730/0503
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

NYCE, JONATHAN W.

DOC DATE: 06/28/1999

ASSIGNOR:

METZGER, W. JAMES

DOC DATE: 04/15/1999

ASSIGNEE:

EAST CAROLINA UNIVERSITY
2106 SPILMAN BUILDING
GREENVILLE, NORTH CAROLINA

27858-4353

SERIAL NUMBER: 09543679
PATENT NUMBER:FILING DATE:
ISSUE DATE:

APR. 25. 2006 2:49PM 919-854-1401 MBS&S

NO. 8449 P. 6/12

010730/0503 PAGE 2

MAURICE CARTER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

04-28-2000

U.S. Department of Commerce
Patent and Trademark Office
PATENT

101338775

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

☒ New to U.S. 60/127,958☐ Resubmission (Non-Recordation)

Document ID#

☐ Correction of PTO Error

Reel #

Frame #

☐ Corrective Document

Reel #

Frame #

Conveyance Type

☒ Assignment ☐ Security Agreement☐ License ☐ Change of Name☐ Merger☐ Other

U.S. Government

(For Use ONLY by U.S. Government Agencies)

☐ Departmental File☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) Jonathan W. Nyce

Execution Date
Month Day Year
06 28 1999

Name (line 2)

Second Party

Name (line 1) W. James Metzger

Execution Date
Month Day Year
04 15 1999

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) East Carolina University

Name (line 2)

Address (line 1) 210b Spilman Building

Address (line 2)

Address (line 3) Greenville

North Carolina

27858-4353

City

State/Country

Zip Code

☐ If document to be recorded
is an assignment and the
receiving party is not
domiciled in the United
States, an appointment
of a domestic
representative is attached.
(Designation must be a
separate document from
Assignment.)

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name Vjvlana Amzel, Ph.D.

Address (line 1) ARTER & HADDEN, L.L.P.

Address (line 2) 725 South Figueroa Street, #3400, Los Angeles, CA 90017

Address (line 3)

Address (line 4)

FOR OFFICE USE ONLY

04/27/2000 JSHABRZZ 00000094 09543679

01 FC:581

40.00 DP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

FORM PTO-1619B

Expires 06/30/99
OMB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT**Correspondent Name and Address**

Area Code and Telephone Number

(213) 430-3520

Name Viviana Amzel, Ph.D. (Reg. No. 30,930)

Address (line 1) Arter & Hadden LLP

Address (line 2) Citicorp Plaza

Address (line 3) 725 South Figueroa Street, Suite 3400

Address (line 4) Los Angeles, CA 90017-5434

PagesEnter the total number of pages of the attached conveyance document
including any attachments.

4 pages total

Application Number(s) or Patent Number(s)☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

filed herewith

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was
signed by the first named executing inventor.Month Day Year
02/11/2000**Patent Cooperation Treaty (PCT)**Enter PCT application number
only if a U.S. Application Number
has not been assigned.PCT PCT PCT
PCT PCT PCT**Number of Properties**

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 2 x \$40.00 = \$80.00

Method of Payment:

Deposit Account

Enclosed ☒Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

01-2520

Authorization to charge additional fees:

Yes ☐No ☒**Statement and Signature***To the best of my knowledge and belief, the foregoing information is true and correct and any
attached copy is a true copy of the original document. Charges to deposit account are authorized, as
indicated herein.*

Viviana Amzel, Ph.D.

Name of Person Signing

Signature

April 4, 2000

Date

ASSIGNMENT

WHEREAS, Jonathan W. Nyce, a citizen of the United States of America, residing at 59 Sayre Drive, Princeton, New Jersey 08540, Assignor, has invented new and useful LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS, KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED WITH BRONCHOCONSTRICTION, LUNG INFLAMMATION, ALLERGY(IES) & SURFACTANT DEPLETION, for which an application for United States Letters Patent was executed by him on or about the same date as this Assignment; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, East Carolina University, a constituent institution of the University of North Carolina and an educational institution chartered under the laws of the State of North Carolina, having a principal place of operation at 210 Spilman Building, Greenville, North Carolina 27858-4353, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the U.S. and throughout

throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

Assignor further authorizes and requests insertion below of the serial number and filing date of the application, when officially known:

Serial No. 60/127,958

Filing Date 4/9/99

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Date: 6/28/99


JONATHAN W. NYCE

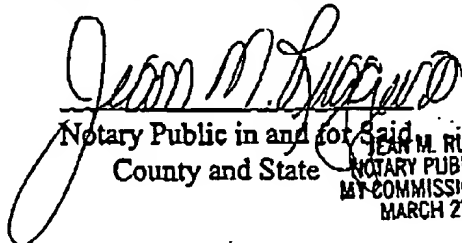
State of New Jersey)

) ss.

County of Middlesex)

On this 28 day of June, in the year of 1999, before me personally appeared Jonathan W. Nyce, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.


Notary Public in and for New Jersey
County and State New Jersey
JEAN M. RUGGIERO
NOTARY PUBLIC OF N.J.
MY COMMISSION EXPIRES
MARCH 27, 2001

h:\wpwin\wpdocs\epi\0671\asnmt.doc

ASSIGNMENT

WHEREAS, W. James Metzger, a citizen of the United States of America, residing at 238 Windsor Road Greenville, NC 27858, Assignor, has invented new and useful LOW ADENOSINE ANTI-SENSE OLIGONUCLEOTIDE, COMPOSITIONS, KIT & METHOD FOR TREATMENT OF AIRWAY DISORDERS ASSOCIATED WITH BRONCHOCONSTRICTION, LUNG INFLAMMATION, ALLERGY (IES) & SURFACTANT DEPLETION, for which an application for United States Letters Patent was executed by him on or about the same date as this Assignment; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, East Carolina University, a constituent institution of the University of North Carolina and an educational institution chartered under the laws of the State of North Carolina, having a principal place of operation at 103 Spilman Building, Greenville, North Carolina 27858-4353, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for the invention, and for perfecting, recording or maintaining the title of

throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

Assignor further authorizes and requests insertion below of the serial number and filing date of the application, when officially known:

Serial No. 60/127,958 Filing Date 4/6/99

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Date: 4/15/99

W. James Metzger
W. JAMES METZGER

State of North Carolina)

County of Pitt) ss.

On this 15 day of April, in the year of 1999, before me personally appeared W. James Metzger, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

Suzanne B. Chalkley
Notary Public in and for Said
County and State

h:\wpwin\wpdocs\epi\0671\asnm2.doc